

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 3-8, and 10-20 are pending in this application. Claims 1, 3, 6, 7, and 12-15 are amended. Claim 9 is cancelled. Claims 1 and 12-15 are independent claims. Claims 16-20 are newly added, and support for the newly added claims is provided at least by FIG. 3 and paragraphs [0037-0039] of the Applicants' specification.

Telephone Interview

Initially, Applicants thank Examiner Le for the telephone interview granted Applicants' representative on January 8, 2008. During the telephone interview, Applicants' representative explained how the amended claims shown in the preceding section and new claims are believed to distinguish over the cited reference of Ijichi et al. (U.S. Patent Publication No. 2002/0093886, herein Ijichi). Examiner Le indicated he would reconsider the rejections based on Ijichi in light of the amended and new claims upon formal submission of a written response. Examiner Le also indicated the amendments to the independent claims and the newly added claims would raise new issues requiring further search and/or consideration. As such, this Amendment is submitted concurrently with a Request for Continued Examination. The arguments set forth below, as well as the claim amendments and new claims shown in the preceding section of this Amendment, are consistent with arguments presented during the telephone interview.

Claim Objections

Claim 9 is objected to as being of improper dependent form failing to further limit the subject matter of a previous claim. Claim 9 is cancelled, thereby rendering this rejection moot.

Claim Rejections under 35 U.S.C. § 112

Claims 1 and 3-11 stand rejected under 35 U.S.C. § 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The amendments to the claims are believed to address the antecedent basis issues identified by the Examiner.

Therefore, Applicants respectfully request the rejection to claims 1 and 3-11 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Rejections under 35 U.S.C. § 102

Claims 1 and 3-15 stand rejected under 35 U.S.C. §102(b,e) as anticipated by Ijichi. Applicants respectfully traverse this rejection as detailed below.

The Examiner cites Fig. 5, paragraph 0116 as disclosing a “first playback indicator identifying a navigation command field for execution at first playback of the computer-readable medium” recited in claim 1. The Examiner asserts the following in the footnote on the bottom of page 3 of the final Office Action mailed October 9, 2007.

The memory stick directory structure is interpreted as having a navigation area. The table of contents (TOC) is interpreted as the information file and it includes information such as access positions, song names, numbers etc, all of which could individually be interpreted as a first playback indicator. See also figure 6, which show a TOC where TRK1 can be interpreted as the first playback indicator, which identifies a navigation command field.

As detailed during the telephone interview, Applicants submit that the tracks (TRK1-TRK5) illustrated in FIGS. 5-7 of Ijichi are data and thus, cannot be considered the first playback indicator, the navigation command field or the navigation command recited in independent claims 1 and 12-15.

Because the tracks cannot be considered the first playback indicator, the navigation command field or the navigation command recited in claims 1 and 12-15, this analysis proceeds to the pointers (PTK1-PTK5) of FIG. 6, which the Examiner indicates “is interpreted as a navigation command field because it points to particular track.”¹ However, a pointer cannot be considered a navigation command **field** because a pointer does not include a command. Instead, the pointers (PTK1-PTK5) of FIG. 6 merely identify a location of the track. As such, if the pointer is considered command field, what in Ijichi is consider the “at least one navigation command controlling playback” as recited in independent claims 1 and 12-15?

Still further, Applicants take this opportunity to further explain the differences between independent claims 1 and 12-15 and FIG. 7 of Ijichi that discloses a playlist table, playlists PL1 and PL2 and a table of contents (TOC). Similar to the arguments above, Applicants submit the playlist pointers PPL1 and PPL2 included in the playlist table cannot be considered a command **field** because the pointers do not include a command.

Applicants submit that each of FIGS. 5, 6 and 7 of Ijichi fails to disclose, teach, or suggest all of the features of independent claims 1 and 12-15. Regardless of the interpretation, Applicants submit that Ijichi fails to disclose, **each of an information file, a first playback indicator** included in the information file, **a navigation command field**, and **at least one command** included in the navigation command field that controls playback of **data** corresponding to a **playlist** stored on a computer-readable medium. Because Ijichi fails all these features, Ijichi also fails to disclose the specific relationship between these features recited in each of independent claims 1 and 12-15.

Therefore, Applicants respectfully request that the rejections of independent claims 1 and 12-15, as well as all claims depending therefrom, under 35 U.S.C. § 102 be withdrawn.

¹ Final Office Action mailed October 9, 2007, page 9, lines 8-10.

New Claims

Applicants submit that new claims 16-20 further distinguish over Ijichi and are allowable on their own merits since Ijichi fails to disclose, teach or suggest “the at least one navigation command is a plurality of commands including a command referencing a playlist and a command relating to at least one of playback of data, initializing playback of data, and terminating playback of data.”

CONCLUSION

In view of above remarks and amendments, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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